

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MICHAEL AHMED, #65788-056

PETITIONER

V.

CIVIL ACTION NO. 3:22-CV-288-KHJ-MTP

WARDEN FCC YAZOO CITY LOW

RESPONDENT

ORDER

Before the Court is the [19] Report and Recommendation (“Report”) of United States Magistrate Judge Michael T. Parker. It recommends that Petitioner Michael Ahmed’s [1], [9] Petition for Writ of Habeas Corpus be dismissed without prejudice for failure to exhaust his administrative remedies. [19] at 1. Written objections to the Report were due by July 7, 2023. The Report notified the parties that failure to file written objections to the Report by then would bar further appeal in accordance with 28 U.S.C. § 636. *Id.* at 3–4.

When no party has objected to a magistrate judge’s report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). In such cases, the Court applies the clearly erroneous, abuse of discretion, and contrary to law standards of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Ahmed filed his [1] Petition on May 31, 2022, arguing he was wrongfully denied “earned time credits” under the First Step Act. [1] at 2; [9] at 3. On July 20, 2022, the Court ordered Ahmed to file a form 28 U.S.C. § 2241 Petition for Writ of

Habeas Corpus to clarify his claim. *See* Order [4]. Ahmed filed the form on September 26, 2022. *See* [9]. In response, Respondent Warden FCC Yazoo City Low argued Ahmed's Petition should be dismissed because he failed to exhaust his administrative remedies. [18] at 4–6. The Magistrate Judge found that Ahmed did not comply with the Bureau of Prison's administrative procedural rules and instead filed his claim directly in this Court. [19] at 2. He also determined that Ahmed failed to demonstrate that extraordinary circumstances excused his failure to exhaust his administrative remedies. *Id.* Accordingly, he determined that Ahmed's [1], [9] Petition should be dismissed without prejudice.

Ahmed did not object to the Report, and the time to do so has passed. The Report is neither clearly erroneous nor contrary to law. The Court therefore adopts the Report and Recommendation as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [19] Report and Recommendation of United States Magistrate Judge Michael T. Parker, entered in this cause should be, and the same is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Petitioner Michael Ahmed's [1], [9] Petition for Writ of Habeas Corpus is DISMISSED without prejudice for Ahmed's failure to exhaust his administrative remedies. The Court will issue a separate final judgment consistent with this Order.

SO ORDERED AND ADJUDGED this the 11th day of July, 2023.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE